

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

JUN 22 2018

David J. Bradley, Clerk of Court

United States of America

v.

Christopher Emerson

Case No.

H18-1004M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 7, 2018 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. § 2252A (a)(2)(B)

18 U.S.C. § 2252A (a)(5)(B)

Offense Description

Any person who knowingly receives or distributes any material that contains child pornography that has been mailed, or using any mean or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer. Any person who knowingly possesses any material that contains an image of child pornography that has been mailed or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer.

This criminal complaint is based on these facts:

See attached Affidavit.

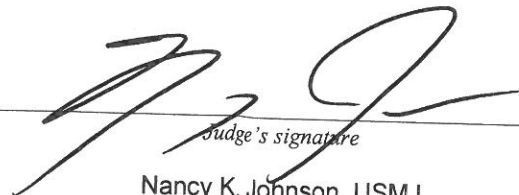
☒ Continued on the attached sheet.

Complainant's signature

Robert J. Guerra, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 6-22-18City and state: Houston, Texas

Judge's signature

Nancy K. Johnson, USMJ

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert J. Guerra, being duly sworn, hereby depose and state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since November 2005. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest and performing other duties imposed by law. During my assignment with the FBI I have participated in the execution of search warrants for documents and other evidence, including computers and electronic media, in cases involving child pornography and the sexual exploitation of children. I have investigated many cases involving child pornography and the sexual exploitation of children. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers were used as the means for receiving, transmitting and storing child pornography as defined in Title 18, United States Code, Section 2256.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached Criminal Complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge as well as information obtained through witness interviews conducted by me or other Law Enforcement Officers or Special Agents of the FBI and a review of various records.

3. A growing phenomenon on the Internet is peer to peer file sharing (hereinafter, "P2P").
P2P file sharing is a method of communication available to Internet users through the use of special software. The software is designed to allow users to trade digital files through a worldwide network that is formed by linking computers together.
4. On or about June 7, 2018, Federal Bureau of Investigation (FBI) Special Agent Robert J. Guerra, using a computer connected to the Internet and utilizing a law enforcement tool that allows single-source downloads from the BitTorrent P2P network, conducted an investigation into the sharing of child pornography through that network.
5. SA Guerra identified a computer on the BitTorrent P2P file sharing network with the IP address of 99.149.187.104 as a potential download candidate (source) for several files of investigative interest. SA Guerra directed his investigation to this computer at IP address 99.149.187.104 as it had been detected as being associated with investigative files of interest by investigators conducting keyword searches or hash value searches for files related to child exploitation material including child pornography on the BitTorrent network.
6. On June 7, 2018, at 22:14:20 (GMT -05:00) and ending on June 8, 2018, at 00:30:03 (GMT -05:00), SA Guerra successfully completed the download of over 16 video files depicting child pornography, via single source download, which the computer at IP address 99.149.187.104 was making available. Following the downloads, your Affiant reviewed the files obtained during those various sessions and believes, based on his training and experience, that approximately 14 of the video files obtained from IP address 99.149.187.104 are child pornography as defined in Title 18, United States

Code, Section 2256. The content of three of the child pornography files downloaded from IP address 99.149.187.104 are described as follows:

a) **2011 toddler boy mom-fuck(very good).3gp** - This is a video file that is approximately 1 minute and 30 seconds in length depicting a minor male, who appears to be under the age of 8. The minor can be seen penetrating an adult female's vagina with his penis.

b) **!!! NEW !!! (Pthc) LPVD 4yo cocked.mpg** - This is a video file that is approximately 6 seconds in length depicting a minor female, who appears to be under the age 10 and is nude from the waist down. The minor female can be seen being placed on top of an adult male's nude body. No penetration is depicted in the video, but the adult male's penis is visibly making contact with the minor female's vagina.

c) **(Pthc) 9Yo Suckin' Dad - Webcam.avi** - This is a video file that is approximately 1 minute and 1 second in length depicting a minor male, who appears to be under the age of 12, being orally penetrated by an adult male's penis.

7. Your Affiant determined that IP address 99.149.187.104 was registered to the Internet Service Provider (ISP) AT&T Internet Services. On or about June 15, 2018, AT&T Internet Services responded to an administrative subpoena and provided account information for IP address 99.149.187.104 assigned on June 7, 2018, at 22:14:20 (GMT - 5:00). The account information provided by AT&T Internet Services listed the subscriber as Christopher Emerson, residing at a specific address located in Katy, Texas.
8. On June 22, 2018, FBI Houston executed a federal search warrant at the specific address provided by AT&T Internet Services. Upon the execution of said search warrant, Christopher Emerson, hereinafter referred to as "Emerson", was identified and subsequently interviewed by SA Robert J. Guerra and SA Ryan J. Shultz. After being advised of his *Miranda Rights*, Emerson agreed to make a statement.

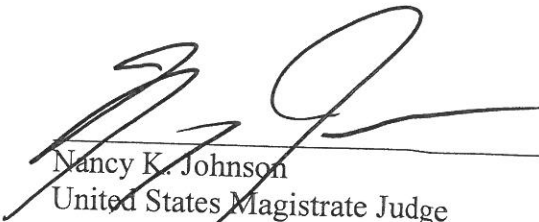
9. Emerson advised that he had utilized the BitTorrent Peer-To-Peer program to download digital media to include child pornography images and videos via the Internet, a means and facility of interstate commerce. After downloading child pornography, Emerson would view, masturbate and then delete the child pornography files off of his laptop computer. Child pornography was something that peaked Emerson's curiosity, which then led him to conduct searches in order to find it and he would subsequently download and view the child pornography. Emerson stated he had been viewing child pornography for his whole life.
10. Emerson acknowledged a general understanding of peer-to-peer programs with regard to having to conduct keyword searches for a topic of interest and then having to actively select and approve the desired files for download and receipt. Emerson also acknowledged an understanding that peer-to-peer programs are file sharing programs that are based on users sharing files with other users, but stated it was not his intent to share child pornography files. Emerson stated he last downloaded child pornography as recently as yesterday (June 21, 2018) via BitTorrent.
11. Emerson admitted to having approximately 10 videos depicting child pornography stored on his computer in a hidden folder. SA Guerra was able to locate the files and observed at least 4 videos depicting child pornography. The content of the videos ranged from oral penetration of minor females to the lewd and lascivious display of the genitals of minor females. Emerson also admitted that his age of preference was female children between the ages of 10-13 years of age.

CONCLUSION

12. Based on all information set forth above, your Affiant believes there is probable cause to believe that on or about June 7, 2018, Christopher Emerson, was in violation of Title 18 U.S.C. § 2252A (a)(2)(B) and 2252A (a)(5)(B)- the distribution, receipt and possession of child pornography.


Robert J. Guerra, SA, FBI

Subscribed and sworn before me this 22nd day of June 2018.


Nancy K. Johnson
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States of America
v.

Christopher Emerson

Case No.

H18-1004M

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Chirstopher Emerson
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Title 18 USC 2252A (a)(2)(B) and 2252A (a)(5)(B)-the distribution, receipt and possession of child pornography.
Any person who knowingly receives or distributes any material that contains child pornography that has been mailed, or using any mean or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer. Any person who knowingly possesses any material that contains an image of child pornography that has been mailed or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer.

Date: 6-22-18City and state: Houston, Texas

 Issuing officer's signature

Nancy K. Johnson, USMJ

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

 Arresting officer's signature

 Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____